



## States' Biofuels Statutes

### STATE OF MINNESOTA

*This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).*

*Current through the 2013 Legislative Session of the Minnesota General Assembly.*

#### **239.761. Petroleum product specifications**

**Subdivision 1. Applicability.** A person responsible for the product must meet the specifications in this section. The specifications apply to petroleum products processed, held, stored, imported, transferred, distributed, offered for distribution, offered for sale or use, or sold in Minnesota.

**Subd. 2. Coordination with Departments of Revenue and Agriculture.** The petroleum product specifications in this section are intended to match the definitions and specifications in sections 41A.09 and 296A.01. Petroleum products named in this section are defined in section 296A.01.

**Subd. 3. Gasoline.** (a) Gasoline that is not blended with biofuel must not be contaminated with water or other impurities and must comply with ASTM specification D4814-11b. Gasoline that is not blended with biofuel must also comply with the volatility requirements in Code of Federal Regulations, title 40, part 80.

(b) After gasoline is sold, transferred, or otherwise removed from a refinery or terminal, a person responsible for the product:

(1) may blend the gasoline with agriculturally derived ethanol as provided in subdivision 4;

(2) shall not blend the gasoline with any oxygenate other than biofuel;

(3) shall not blend the gasoline with other petroleum products that are not gasoline or biofuel;

(4) shall not blend the gasoline with products commonly and commercially known as casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural gasoline; and

(5) may blend the gasoline with a detergent additive, an antiknock additive, or an additive designed to replace tetra-ethyl lead, that is registered by the EPA.

**Subd. 4. Gasoline blended with ethanol; general.** (a) Gasoline may be blended with agriculturally derived, denatured ethanol that complies with the requirements of subdivision 5.

(b) A gasoline-ethanol blend must:

(1) comply with the volatility requirements in Code of Federal Regulations, title 40, part 80;

(2) comply with ASTM specification D4814-11b, or the gasoline base stock from which a gasoline-ethanol blend was produced must comply with ASTM specification D4814-11b; and

(3) not be blended with casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural gasoline after the gasoline-ethanol blend has been sold, transferred, or otherwise removed from a refinery or terminal.

**Subd. 4a. Gasoline blended with ethanol; standard combustion engines.** Gasoline combined with ethanol for use in standard combustion engines may be blended with up to ten percent agriculturally derived, denatured ethanol, by volume, or any percentage specifically authorized in a waiver granted by the United States Environmental Protection Agency under section 211(f)(4) of the Clean Air Act, United States Code, title 42, section 7545, subsection (f), paragraph (4). The gasoline-ethanol blend must comply with the general provisions in subdivision 4.

**Subd. 4b. Gasoline blended with ethanol; alternative fuel vehicles.** (a) Gasoline blended for use in an alternative fuel vehicle, as defined in section 296A.01, subdivision 5, may contain any percentage of agriculturally derived, denatured ethanol, by volume, not to exceed 85 percent. The gasoline-ethanol blend must comply with the general provisions in subdivision 4. The gasoline and ethanol may be blended by an ethanol blender or at the point of retail sale in an ethanol-blending fuel dispenser clearly labeled "FLEX-FUEL VEHICLES ONLY." If blended by an ethanol blender, the percentage of ethanol in the resulting gasoline-ethanol blend must be clearly identified.

(b) If a person responsible for the product utilizes an ethanol-blending fuel dispenser to dispense both

gasoline blended with ethanol for use in alternative fuel vehicles and gasoline blended with ethanol for use in standard combustion engines, the person must ensure that the gasoline blended with ethanol for use in standard combustion engines is dispensed from a fuel-dispensing hose and nozzle or other conveyance dedicated solely to gasoline blended with ethanol for use in standard combustion engines and clearly labeled as such.

(c) A person responsible for the product who complies with the provisions in paragraph (b) is not responsible for a self-service fueling action taken by that person's retail fuel customer.

**Subd. 5. Denatured ethanol.** Denatured ethanol that is to be blended with gasoline must be agriculturally derived and must comply with ASTM specification D4806-11a. This includes the requirement that ethanol may be denatured only as specified in Code of Federal Regulations, title 27, parts 20 and 21.

**Subd. 6. Gasoline blended with nonethanol oxygenate.** (a) A person responsible for the product shall comply with the following requirements:

(1) after July 1, 2000, gasoline containing in excess of one-third of one percent, in total, of nonethanol oxygenates listed in paragraph (b) must not be sold or offered for sale at any time in this state; and

(2) after July 1, 2005, gasoline containing any of the nonethanol oxygenates listed in paragraph (b) must not be sold or offered for sale in this state.

(b) The oxygenates prohibited under paragraph (a) are:

(1) methyl tertiary butyl ether, as defined in section 296A.01, subdivision 34;

(2) ethyl tertiary butyl ether, as defined in section 296A.01, subdivision 18; or

(3) tertiary amyl methyl ether.

(c) Gasoline that is blended with a nonethanol oxygenate must comply with ASTM specification D4814-11b. Nonethanol oxygenates must not be blended into gasoline after the gasoline has been sold, transferred, or otherwise removed from a refinery or terminal.

**Subd. 7. Heating fuel oil.** Heating fuel oil must comply with ASTM specification D396-12.

**Subd. 8. Diesel fuel oil.** (a) When diesel fuel oil is not blended with biodiesel, it must comply with ASTM specification D975-12a.

(b) When diesel fuel oil is a blend of up to five volume percent biodiesel, the diesel component must comply with ASTM specification D975-12a and the biodiesel component must comply with ASTM specification D675-11b.

**Subd. 9. Kerosene.** Kerosene must comply with ASTM specification D3699-08.

**Subd. 10. Aviation gasoline.** Aviation gasoline must comply with ASTM specification D910-11.

**Subd. 11. Aviation turbine fuel, jet fuel.** Aviation turbine fuel and jet fuel must comply with ASTM specification D1655-12.

**Subd. 12. Gas turbine fuel oil.** Fuel oil for use in nonaviation gas turbine engines must comply with ASTM specification D2880-03.

**Subd. 13. E85.** A blend of ethanol and gasoline, containing not more than 85 percent ethanol, produced for use as a motor fuel in alternative fuel vehicles as defined in section 296A.01, subdivision 5, must comply with ASTM specification D5798-11.

**Subd. 14. M85.** A blend of methanol and gasoline, containing at least 70 percent methanol and not more than 85 percent methanol, produced for use as a motor fuel in alternative fuel vehicles as defined in section 296A.01, subdivision 5, must comply with ASTM specification D5797-07.

**Subd. 15. Biodiesel blend definition.** “Biodiesel blend” means a blend of diesel fuel and biodiesel fuel at a ratio designated by “BXX” where “XX” represents the volume percent of biodiesel fuel in the blend.

**Subd. 16. Biodiesel fuel definition.** “Biodiesel fuel” means a renewable, biodegradable, mono alkyl ester combustible liquid that is derived from agricultural plant oils or animal fats and that meets American Society for Testing and Materials (ASTM) specification D6751-11b for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

**Subd. 17. Grade 82 unleaded aviation gasoline.** Grade 82 unleaded aviation gasoline must comply with ASTM specification D6227-12.

**Subd. 18. Minimum octane rating.** The minimum (R+M)/2 octane rating grades for petroleum products under subdivision 3, 4, 4a, 4b, or 6 sold to an end user shall be no less than 87.

**Credits:** Laws 1992, c. 575, § 27. Amended by Laws 1994, c. 510, art. 5, § 2, eff. Sept. 1, 1994; Laws 1996, c. 471, art. 5, § 2, eff. April 13, 1996; Laws 1998, c. 278, § 1; Laws 1998, c. 299, § 30; Laws 1999, c. 86, art. 1, §§ 52, 53; Laws 2000, c. 434, § 1; Laws 2003, 1st Sp., c. 14, art. 7, §§ 55 to 65; Laws 2005, 1st Sp., c. 1, art. 4, § 66; Laws 2007, c. 62, § 2, eff. Aug. 1, 2007; Laws 2008, c. 281, § 2, eff. Aug. 1, 2008; Laws 2008, c. 297, art. 1, §§ 48 to 50, eff. July 1, 2008; Laws 2009, c. 17, §§ 1 to 8, eff. Aug. 1, 2009; Laws 2013, c. 68, §§ 2 to 13, eff. May 17, 2013; Laws 2013, c. 114, art. 2, § 59, eff. July 1, 2013.